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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,305	11/18/2003	Alastair J.D. Beadle	03-6182	6925
63710	7590	04/28/2009	EXAMINER	
DEAN P. ALDERUCCI			CAMPBELL, KELLIE L	
CANTOR FITZGERALD, L.P.				
110 EAST 59TH STREET (6TH FLOOR)			ART UNIT	PAPER NUMBER
NEW YORK, NY 10022			3691	
			MAIL DATE	DELIVERY MODE
			04/28/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

### **DETAILED ACTION**

1. The following is a non-final Office action in response to communications received February 6, 2009. Claims 1-42 were pending in this application. Claims 2, 4, 6, 8, 10, 17-19, 21, 27, 27, 34-36, and 38 have been cancelled. Independent Claims 1, 5, 9, and 26, have amended as well as dependent claims 3, 7, 11-16, 20, 22-25, 28-33, 37, and 39-42. New Claims 43-76 have been added. Therefore, Claims 1, 3, 5, 7, 9, 11-16, 20, 22-26, 28-33, 37, 39-42, and 43-76 are pending and presented for examination.

#### ***Response to Amendment***

2. The reply filed on February 6, 2009 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): presentation of arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. Applicant has merely alleged that the newly added limitations of the amended claims and the newly added claims are different from the prior art. Applicant has not pointed out how the claims are distinct from and thus overcome the prior art.

In order to be entitled to reconsideration or further examination, the applicant or patent owner must reply to the Office action. The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action. The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims,

patentable over any applied references. If the reply is with respect to an application, a request may be made that objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated. The applicant's or patent owner's reply must appear throughout to be a bona fide attempt to advance the application or the reexamination proceeding to final action. A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements 37 CFR 1.111. See 37 CFR 1.111.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kellie Campbell whose telephone number is (571) 270-5495. The examiner can normally be reached on Monday through Thursday, 6:30 am to 5 pm est. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Kalinowski/

Supervisory Patent Examiner, Art Unit 3691